

# **MINUTES**

## **Montana Fish and Wildlife Commission Meeting**

### **FWP Headquarters**

**1420 East 6<sup>th</sup> Avenue; Helena, MT**

**February 13, 2014**

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,

Matthew Tourtlotte and Gary Wolfe

Fish, Wildlife & Parks Staff Present: Jeff Hagener and FWP Staff.

Guests: February 13, 2014 - See Commission file folder for sign-in sheet.

#### **Topics of Discussion:**

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of December 13, 2013 and January 9, 2014 Commission Meeting**
3. **Approval of Commission Expenses**
4. **Commission Reports**
5. **Director's Report**
6. **Budget Update and Priorities – Endorsement**
7. **Whitefish River Petition – Proposed**
8. **Canyon Ferry Reservoir and Lake Helena Commercial Fishing Regulations–Final Action**
9. **Commercial Use Fee Rule – Final Action**
10. **Unlocking State Lands Program (HB444) Administrative Rules–Final Action**
11. **Raundal Coulee Conservation Easement–Final Action**
12. **Peregrine Falcon Take–Proposed**
13. **Proposed Amendment to Brucellosis Work Plan in Paradise Valley–Proposed**
14. **2015-2016 Helena Urban Deer Management Quota Range–Final Action**

15. 2014-2015 General Hunting Regulations–Final Action
16. 2014-2015 Deer, Elk and Antelope Hunting Seasons, Quota Ranges and HD Boundaries–Final Action
17. 2014-2015 Moose, Sheep and Goat Hunting Seasons, Quota Ranges and HD Boundaries–Final Action
18. 2014-2015 Black Bear Hunting Seasons, Quota Ranges HD Boundaries and Quotas–Final Action
19. 2014-2015 Mountain Lion Hunting Seasons and HD Boundaries–Final Action
20. 2014-2015 Bison Hunting Seasons and HD Boundaries–Final Action
21. 2014-2015 Upland Game Bird Hunting Seasons, Quotas and HD Boundaries–Final Action
22. 2014-2015 Migratory Game Bird Hunting Seasons–Final Action
23. 2014-2015 Game Damage/Management Season Quotas–Final Action
24. 2014-2015 Hunting Season Dates–Final Action
25. Public Comment–For Issues Not On This Agenda

**1. Call to Order - Pledge of Allegiance**

Chairman Vermillion called the meeting to order at 8:31 a.m. and led the Pledge of Allegiance.

**2. Approval of Minutes of December 12, 2013 and January 9, 2014 Commission Meeting**

*Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to approve the December 12, 2013 and January 9, 2014 as corrected. Motion Carried.*

**3. Approval of Commission Expenses**

*Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to approve the Commission expenses. Motion Carried.*

#### **4. Commission Reports**

Commissioner Wolfe reported he attended biennial season setting public meetings in Region 1 and 2; FWP staff did an outstanding job reaching out for public input and comments; changes have been made because of comments; Region 2 conducted 12 meetings with attendance of over 600 people. Received a lot of correspondence regarding items on today's agenda.

Commissioner Tourtlotte reported he attended the landowner appreciation dinner in Miles City; terrific event; close to 300 people attended; good discussions. Received many calls and written concerns on agenda items.

Commissioner Stuker stated he attended a landowner Sportsmen meeting in Whitlash, MT; 30 landowners were present; biggest concern was access issues; landowners asked if what is being proposed this year does not work, is it locked in for two years; it was explained to the landowners that it could be looked at next year, and changes could be made. Discussions on splitting the west and east butte into their own hunting district (HD); west butte is controlled by outfitters and east butte is private property. Received numerous calls regarding the Grizzly Bear Plan; do not like it. Received calls from landowners stating they will close their land or lease it to outfitters if more FWP personnel is not put on the ground during hunting season. Spoke with landowners who are thinking about closing their property during archery season for elk; feel rifle season has a better take rate. Attended three season setting meetings; received calls and written correspondence on agenda items.

Chairman Vermillion stated his biggest concern is the Madison Sheep Transplant that got bumped again because of persistent disease issues; need to look at the plan and amend it in a way that is going to acknowledge the disease risk and figure out a risk tolerance of the disease quickly; it is highly unlikely that there are locations in Montana for transplants where there is not any risk; need to try something different. Received calls on mountain lion closures and the 48 hour closure procedure; concerns that the current system is not working; people are playing the system. Calls regarding Fish Creek State Park; the Commission specifically stated they wanted to be involved with the approval of the state park design; the Commission and the Department need to discuss what role the Commission has regarding Fish Creek comments; there are places and duties where the Commission and the Parks and Recreation Board intermingle. Had productive work session with the Confederated Salish and Kootenai Tribes (CSKT) and biologists regarding Flathead Lake management; a lot of opportunities to move forward; will be actively involved. Commission and the Department conversed on the grizzly bear plan; important for the Department to be proactive on the plan. Tentative season setting meetings went well; robust public involvement.

#### **5. Director's Report**

Director Hagener reported the Sage Grouse Advisory Council has forward the strategy plan to the Governor to look at and make his final decision; the council voted 8-2 that any changes to the plan had to have three quarters or super majority vote; several members stated they have indifference with the plans, but it's time to move it to the Governor; the plan has good strategies that are defensible. Bison plan meeting has been scheduled for April in Lewistown. Fish and Wildlife Service (FWS) granted a 6 month extension on wolverines; FWS has agreed to convene a science panel to see if climate science is truly a factor in the possible delisting. Public Land/Public Wildlife (PL/PW) Council is up and running; members understand how big this issue is. Licensing and Funding Advisory Council (LEAC) is finalizing recommendations; results should be available in March and will be brought to the Commission at that time. Annual Tri-State Meeting has been scheduled for August 12-14, 2014 in Ennis. Stated he will be leaving the Commission meeting after the budget update to attend a Legislative audit meeting; Mike Volesky will take his place until his return.

#### **6. Budget Update and Priorities – Endorsement**

Sue Daly, Chief of Administration explained the Executive Planning Process (EPP), coordinated through the Governor's Office, is ready to begin for the 2015 Legislative Session. FWP's internal process involves establishing priorities that will drive preparation of proposed legislation and budgets; the Commission's role at this time is to review and approve the agency's priorities; between January and June,

the Department will develop legislation and budgets based on the approved priorities and submit them to the Governor and return in June for Commission review of the budget proposal and recommended legislation. No formal public process is undertaken directly related to budget and priorities; the broad priorities are based on FWP's ongoing dialogue with constituents and regional citizen advisory councils (CAC); the public is also afforded the opportunity to comment on budget and legislative proposals through the Commission meeting process. Explained and gave a lengthy discussion on funding sources.

Commissioner Wolfe asked about nonresident/resident license fee breakdown.

Daly explained nonresidents contribute two-thirds and residents contribute one-third of license funds coming into the Department.

Mike Volesky, Chief of Staff explained and gave a lengthy discussion on the proposed budget and legislative priorities.

#### **Fisheries**

##### **Program Element: Habitat**

The Fisheries Division will identify priority habitats and work to secure funding for their conservation; maintain emphasis on aquatic habitat restoration; continue to promote access and protect habitat through fee simple acquisition and easements; work with U.S. Army Corps of Engineers and others to correct dam-related habitat issues.

##### **Program Element: Species of Concern**

The Fisheries Division will emphasize priority species, including those affected by the Endangered Species Act (ESA), and develop new plans or implement existing plans or conservation strategies; fully engage in ESA activities, including but not limited to evaluating and addressing threats that could lead to listing, participating in ESA processes to demonstrate that species are being adequately managed or are recovered, and participating in

important ESA issues such as pallid sturgeon recovery plans; collect data on status and distribution of priority species that have been identified as species of concern, especially if little data is currently available.

**Program Element: Angler Recruitment and Retention**

The Fisheries Division will focus efforts on communications, education, and regulatory options to keep existing participants and introduce new users to fishing; maintain and enhance fishing quality and opportunity statewide, including use of fish produced in State fish hatcheries; evaluate the use of technology and social media as recruitment and retention tools; develop a better understanding of our core constituents to facilitate continued participation in fishing; identify and address barriers to recruitment and retention of anglers.

**Program Element: Law Enforcement and Compliance**

Regulation compliance must remain an essential component of fisheries management; enforce fishing laws and regulations and increase visibility of enforcement during high use periods; continue working toward practical regulation simplification for ease of understanding and compliance by anglers; develop and implement specialized techniques to enhance compliance and strategies to deter, detect and investigate illegal introductions of aquatic species into public and private waters; maintain enforcement response, patrol and administrative services to Fishing Access Site program (FAS) sites to better address fee compliance, river recreation issues, and user conflicts.

**Program Element: Long Range Planning**

The Fisheries Division will develop and implement plans to manage, conserve and protect Montana fish populations; implement Montana Statewide Fisheries Management Plan 2012-2018; participate effectively in water allocation decisions, particularly the adjudication process, new water permits, and legislative planning; remain engaged in the implementation of disease risk mitigation strategies with an emphasis on aquatic invasive species; maintain and enhance the infrastructure of our Fish Hatchery System. Emphasize development of more cost effective water and power sources at Fort Peck Hatchery and maintenance of water supply and associated infrastructure at Bluewater Hatchery.

**Program Element: Public Awareness and Involvement**

The Fisheries Division will focus on programs to increase public awareness of FWP activities, understanding of FWP issues, and support for FWP efforts; support a continuing information/education program with the goal of raising the awareness of and minimizing impacts from aquatic invasive species (AIS), illegal introductions of fish and aquatic bait organisms, and other threats.

**Program Element: Data Assessment**

The Fisheries Division will define the role of data collection and analysis efforts for use in internal planning and operations, as well as for external use to provide the public with important fishery information; review field sampling strategies and techniques to ensure they are providing the information necessary to meet FWP management objectives; evaluate and monitor natural resource damage events such as the 2011 Yellowstone River oil spill, continue to refine angler survey programs to make clear and explicit links between population monitoring parameters, population objectives, social expectations, and fishing regulation and season recommendations; continue cooperative development of Fisheries Information System database with Technology Services and Data Services staff.

**Program Element: Access**

The Fisheries Division will continue to utilize internal programs, work with other governmental and non-governmental entities and with private landowners to provide and improve public access opportunities to state waters via public and private lands; maintain emphasis on providing public angler access, via FAS and other programs; work with Enforcement, the public, and landowners to improve access at bridges, where state waters and roadways intersect.

**Wildlife**

**Program Element: Wildlife Habitat Conservation**

Identify highest priority habitats and specific parcels for conservation using professional judgment and GIS modeling of vegetation type, biodiversity importance, relative conservation value to specific species, migratory corridors, etc; increase emphasis on maintaining and protecting highest priority habitat at an ecosystem level to comprehensively conserve all of Montana's wildlife; provide connectivity between high priority habitats; leverage Habitat Montana with other federal and non-government programs to better meet the mission of FWP to manage all wildlife; develop inventory and schedule of O&M needs and maintain Wildlife Management Areas to meet the intent of the Good Neighbor Policy; work with the energy industry at the state and national level for a coordinated approach to development; work through Farm Bill policies and with USDA agencies to conserve privately-owned habitat; provide direction and resources to local governments to ensure wildlife needs are addressed in planning and development; work with local governments to influence patterns and methods of rural subdivision in a way that minimizes impacts to wildlife communities.

**Program Element: Wildlife Management**

Refine harvest management programs to strengthen links between population monitoring parameters, population objectives, social expectations, and hunting season recommendations; focus population management prescriptions on the 5-week general gun season and simplify regulations; develop survey and inventory protocols for big game species to maximize sampling efficiency, consistency, and robustness. Enhance population surveys to meet management objectives via efficiency and protocol standards; evaluate furbearer program components and make necessary changes to ensure contemporary, science-based management of furbearer species; maintain trapping as a management tool; integrate game and nongame programs to manage more comprehensively; implement the State Wildlife Action Plan (SWAP) and move forward with the implementation of priority strategies for identified species and their related habitats; collect data on status and distribution of priority species that have been identified as species of concern, especially if little data is currently available; identify, prioritize and implement research to address management needs; apply research findings into management recommendations; maintain or restore state authority to manage wildlife species in Montana; complete statewide analysis for the potential for bison to exist as wildlife in Montana; implement species management plans per plan goals and objectives; enhance distribution of elk to optimize available public land habitats.

**Program Element: Access**

Review all FWP access programs and develop strategies in conjunction with PL/PW to enhance FWP's access programs to ensure access on private and public lands; evaluate and develop new access tools that incorporate changes in landownership from traditional agricultural ownership to nontraditional recreational ownership; complete a comprehensive hunter access plan; emphasize and improve landowner – agency relations to improve hunter access.

**Program Element: Wildlife Conflict**

Develop and implement public outreach efforts to reduce wildlife conflicts that require response by FWP staff; implement game damage rules and policies in a timely manner to address landowner concerns; respond to wildlife conflicts that present a threat to human health and safety; develop a wildlife health program to proactively address wildlife diseases that represent a potential threat to wildlife populations, humans, or livestock; continue risk management efforts to minimize potential for spread of brucellosis between wildlife and livestock; continue brucellosis surveillance and research efforts.

**Program Element: Wildlife Education**

Work with Enforcement and Wildlife to address and help reduce landowner concerns about hunter behavior and ethics; increase awareness of and support for wildlife management and conservation programs, especially by non-consumptive users, local governments, and the general public; develop an outreach program to create a vision of the role people play in restoring and conserving wildlife and their habitats; develop information programs on the most threatened habitats as identified by the SWAP that will increase public knowledge of the importance of habitat for all wildlife, including species not

hunted; develop a better understanding of our core constituents to facilitate continued participation in hunting; Identify and address barriers to recruitment and retention of hunters and wildlife watchers.

**Program Element: Law Enforcement and Compliance**

Enforce wildlife laws and regulations and increase visibility of enforcement during high use periods; along with Wildlife staff, emphasize working with landowners on landowner-agency relationships, public access, and game management. Continue focused efforts to address trophy wildlife poaching and commercialization; work with Board of Outfitters and other agencies to reduce the practice of unlicensed outfitting; continue to emphasize hunter ethics; work with Communication/Education Division to help reduce landowner concerns about hunter behavior and ethics.

**Program Element: Wildlife Administration**

Complete annual work plans for all program elements, balancing available staff time and operations dollars to address highest priorities; manage budgets and multiple funding sources to implement Wildlife Division work priorities; secure additional funding to address new and nontraditional work; develop and implement appropriate policies and rules (ARM) to effectively implement the Wildlife Program and program elements; provide training to Wildlife Division staff to ensure their skills are current and contemporary.

**Department Management and Administration**

FWP Management and Administration provides direction for agency personnel, property, and fiscal resources. These elements include policy and program direction; fiscal oversight; provision of legal advice and defense; human resource management, training, and safety; licensing of resource users; management of information and technology; administration of Department lands; design and construction of capital projects, and maintenance of Department facilities. Under the direction of the Governor's Office and the Commission, the goal for these efforts is to ensure sound management of all agency resources in support of fisheries, wildlife, and parks and recreation programs in the most effective and efficient manner possible. Management also serves a liaison role with the legislature, Montana's Indian tribes, other state agencies, federal agencies, and units of local government.

**Program Element: Agency Direction**

Increase efficiency, efficacy, and accountability of agency programs; develop a shared vision for all Department employees; clarify roles and responsibilities for program management; improve decision-making processes within the agency; improve internal communication and coordination; conduct a comprehensive review of FWP land holdings and acquisitions.

**Program Element: Financial Management**

Increase fiscal accountability of agency programs; ensure a sound financial foundation for the agency; establish sustainable funding mechanisms for fish, wildlife, and parks management; enhance the Department's auditing and internal control capabilities.

**Program Element: Technology**

Develop and implement a radio communications program to ensure interoperability with state and local law enforcement entities and heighten employee and public safety; implement Mobile Computer Terminals in enforcement vehicles that deliver criminal justice information and officer location, which will enhance officer safety and effectiveness; enhance security and continuity of operations across all mission critical systems; continued effective use of the technology base budget, with emphasis on improved services, increased efficiency, and maximum return on invested resources; accomplish priority work through the use of centralized data and Geographic Information Systems (GIS), including education and outreach opportunities for FWP staff; increase efficiencies in spatial data collection, storage, and use for FWP programs by assisting in the development of agency centralized data systems; fully engage efforts to maintain and enhance FWP's GIS-based tools available to the general public.

**Program Element: Legal Advice and Defense**

Ensure that management decisions comply with applicable provisions of constitution, statutes, and rules; defend challenges to Department management decisions.

**Program Element: Human Resources and Safety**

Consistently apply fair and usable pay components within budget constraints under the Broadband Pay Plan ensuring managers receive appropriate training; enhance Return to Work Program through safety training within the field focused programs for all employees.

**Program Element: Licensing**

Conduct a comprehensive public process to improve the structure for hunting and fishing licenses and establish a sustainable funding system for fish and wildlife management; develop efforts to increase revenues through the sale of all available licenses and by securing additional revenue streams; develop efforts to license non-consumptive, parks, and other recreational users; adapt the licensing platform to the changing needs of our customers.

**Program Element: Centralized Support Services**

Ensure an efficient, innovative, and responsive procurement process; improve fleet management through maintenance, cost analysis, enhanced software capabilities, and continual education; conduct a physical inventory of all Department assets bi-annually to ensure accountability and location of all equipment; ensure adequate insurance coverage for all assets in accordance with risk exposure reporting; create visual illustrations that better explain FWP programs and regulations.

***Action: Commissioner Stuker moved and Commissioner Tourlotte seconded the motion that the Fish and Wildlife Commission approve the budget and priorities as presented.***

Commissioner Stuker asked about the law enforcement element regarding increase visibility of enforcement during high use periods.

Volesky explained this is an important element; it is difficult to keep wardens.

Commissioner Stuker asked to have block management seasonal employees be visible on the landscape where there is a lot of traffic; it would help tremendously.

***Action on Motion: Motion Carried.***

**7. Whitefish River Petition – Proposed**

Jim Kropp, Chief of Law Enforcement explained the Whitefish City Council has proposed an amendment to the current no wake regulation on the Whitefish River; the proposal restricts the Whitefish River to electric motors or manually powered vessels from the Burlington Northern Santa Fe (BNSF) train trestle to the JP Bridge. The Whitefish River has had a no-wake restriction in place for this section of the river for over 20 years. In 2006, the City of Whitefish (CoW) withdrew a similar petition prior to it being heard by the FWP Commission and feels this regulation is necessary to address concerns of resource damage, safety and address social desires to



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create a unique opportunity for non-motorized users on the Whitefish River that are not adequately being addressed by the current no wake regulation. No public process by FWP; CoW discussed the issue at several City Council meetings and took public comment; they received public comment both in support and opposition to the resolution. A resolution was passed by the CoW to petition FWP on November 4, 2013. Three Council members voted in favor and three members voted in opposition; the mayor broke the tie voting in favor of the resolution. FWP recommends moving to rule making; feels the current no-wake rule limits resource damage, provides safety to users and maintains historic recreation use by motorized vessels; have received a few complaints over the years and cited several individuals for violating the no wake regulation. FWP does not feel there are significant resource damage or safety concerns; in talking with the CoW; they are interested in adopting this regulation to address social desires to create a unique opportunity for non-motorized users and feel there is major support for this proposed regulation; moving forward to rule making would provide the ability to determine public sentiment for this regulation.

**Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion to initiate rulemaking as proposed in the petition to amend ARM 12.11.645 limiting the Whitefish River to electric motors or manually powered watercraft from the trestle to the JP Bridge.**

Chairman Vermillion asked for public comment.

John Muhlfeld, Mayor, CoW, is requesting FWP assistance to engage a more thorough public involvement process; garner a more broader consensus from the community of Whitefish and surrounding areas; hope to amend or modify the proposal so it's meaningful to all parties and users of the river while addressing social and economic community goals.

Michael Park, unknown, has concerns over proposal.

Lenorad Howke, Whitefish, questions proposal; discriminates.

Joe Legris, Whitefish, look at safety concerns; benefiting special interest groups.

Chuck Stearns, Whitefish City Manager, gave specifics of how and why the proposal began.

Richard Hildner, Whitefish Deputy Mayor, thanked Captain Anderson and Jim Satterfield for their help in the preparation process; explained the details of the proposal.

Chairman Vermillion stated Captain Anderson and Jim Satterfield have a lot of expertise on this particular issue; CoW is in good hands.

**Action on Motion: Motion Carried.**

Bruce Rich, Fisheries Administrator stated the work session with CSKT was very productive; had good conversations with Tribal staff

after the work session; committed to be closely engaged with CSKT as their EIS process moves forward.

## 8. Canyon Ferry Reservoir and Lake Helena Commercial Fishing Regulations – Final Action

Don Skaar, Fish Management Bureau Chief explained the regulations are unchanged from the original proposal. One comment was received during the public input period from December 24, 2013 - January 24, 2014; the commenter expressed opposition to this proposal, saying that he liked to fly fish for carp and thought this recreational opportunity would be impacted by a commercial operation. FWP believes the high level of carp biomass in these waters combined with the annual productivity of this prolific species will provide for both a robust commercial fishery and ample angling opportunities; if the commercial seining operation proves to significantly reduce carp populations in the future, and this causes a decline in the quality of the angling experience, the commercial seining operation can be re-evaluated.

**Action:** *Commissioner Stuker moved and Commissioner Wolfe seconded the motion that the Commission approve the regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2014. Motion Carried.*

## 9. Commercial Use Fee Rule – Final Action

Charlie Sperry, Water Recreation and Fishing Access Coordinator explained at the December meeting, the Commission proposed a Commercial Use Fee Rule; the fee rule establishes the permit fees for conducting commercial use on land under the jurisdiction of the Commission. Received a total of 10 comments: request for further simplification of fees; support for paying fees but desire for outfitting industry to have more representation in management and policy decision-making; keep FAS Permit at \$100 per year; eliminate FAS Permit for guides; eliminate the FAS Permit for guides and double the FAS Permit fee for outfitters; retain flat fees, opposition to fees based on percentage of unadjusted income. FWP recommends the Commission rescind the proposal to eliminate the fee for a statewide permit to conduct still photography and filming and the proposal to change the fees for non-water based guided tours and trips; the proposed changes were intended to simplify the fee system but have generated concerns from commercial users. FWP notes that the comments pertaining to the FAS Permit requirements could also be considered when evaluating administrative rules. The following changes are as follows:

Primary Type of Use	Commercial Use Permit Fee (Proposed by Commission in December)	Commercial Use Permit Fee (Recommended for Final Rule)
Outfitter	FAS Permit: \$100/year or \$15/day  Commercial Use Permit Fee:  A) 3% of unadjusted income;  B) \$5 per client day conducted; or  C) \$4 per allocated client day.  Minimum annual fee: \$50 - \$100	No changes – adopt as proposed.
Water-based Service Provider	FAS Permit: \$100/year or \$15/day  Commercial Use Permit Fee:  A) 3% of unadjusted income;  B) \$2 per client day conducted; or	No changes – adopt as proposed.

	C) \$1 per allocated client day.  Minimum annual fee: \$50 - \$100	
Guide	FAS Permit: \$100/year or \$15/day	No changes – adopt as proposed
Watercraft livery, rental, or demonstration	\$100 /year.	No changes – adopt as proposed.
Guided Tour or Trip (non-water based)	A) 3% of unadjusted income; or  B) \$3 <del>-\$5</del> per client day.	Retain original fees:  \$3 - \$5 per client day.  <b>Commission amended:</b>  <b>\$5 per client day</b>
Special Events	\$3 per event participant.	No changes – adopt as proposed.
Vending Concessions	A) <del>3%–7%</del> 5% of unadjusted income; or  B) <del>\$50</del> <del>25–\$75</del> per day; <del>or</del>  C) <del>\$100 per year.</del>	No changes – adopt as proposed.
Still Photography and Filming	2 to 5 person crew: \$50 per day;  6 to 15 person crew: \$100 per day;  More than 15: negotiated fee.  <del>1 to 3 person crew: \$25 per day or \$50 per year;</del>  <del>4 to 7 person crew: \$50 per day;</del>  <del>8 to 20 person crew: \$100 per day;</del>  <del>21–35 person crew: \$200 per day;</del>  <del>36–50 person crew: \$300 per day;</del>  <del>51 or more person crew: \$400 per day.</del>	Retain original fees.
Non-service Use, Consumptive Commercial Use	\$300 \$50 - \$1000 per day.	No changes – adopt as proposed.
Late Fee	\$50 \$100	No changes – adopt as proposed.

Chairman Vermillion asked how it is decided whether to charge the \$3 or \$5 per day on the guided tour or trip.

Sperry explained the managers recognize that not all commercial use has the same level of impact either on the resources or others users of the site; a lot of subjectivity.

**Action:** *Commissioner Tourtlotte moved and Commissioner Stuker seconded the motion that the Commission adopt the final commercial use fee rule for commercial use on FWP land under the authority of the Fish & Wildlife Commission, to include the changes recommended by the Department.*

***Chairman Vermillion motioned and Commissioner Tourtlotte amended the motion for fees charged on the guided tour or trip non-water based to be charged at a \$5.00 per client day.***

Chairman Vermillion asked for public comment.

MaryEllen Schnur, Montana Outfitters and Guide Association (MOGA) can see a difference in the impact of \$5.00 fee.

Commissioner Wolfe stated he likes the flexibility for the Department to charge a range.

***Action on Motion: Motion Carried.***

#### **10. Unlocking State Lands Program (HB444) Administrative Rules – Final Action**

Alan Charles, Landowner Sportsmen Corrdinator explained the 2013 Legislature passed HB 444 to establish a program in which a private landowner who provides public access to a parcel of state land through a contractual agreement with FWP can receive a \$500 tax credit for each qualified access to state land, with a limit of \$2,000 per year. The law requires the Commission to adopt administrative rules (ARM) for establishing contracts that address: duration of access; types of qualified access; and reasonable landowner-imposed restrictions. The law became effective January 1, 2014, applies to tax years beginning after December 31, 2013, and terminates December 31, 2018. FWP intends to commence the administrative process of developing contracts with landowners upon adoption of the final ARM. Public comments were solicited from November 14 - December 27, 2013; received 33 comments; 21 voiced support; 6 non-support; 2 posed questions unrelated to the proposed ARM; 4 offered comments not pertinent to the proposed ARM. Two changes were

made to the draft ARM based on public comment: Routes restricted to foot travel only were changed from no more than .5 mile (draft) to no more than 1 linear mile from beginning to end (final); temporary closures can be in effect no more than 7 days without FWP approval and must be removed within 24 hours after the natural environmental conditions no longer exist.

NEW RULE I STATE LAND ACCESS TAX CREDIT

(1) through (4) remain as proposed.

(5) The Department must consider the following when awarding contracts:

- (a) verification that the state lands are not restricted or closed to general recreational use by Department of Natural Resources and Conservation;
- (b) verification that the state land will be available for a majority of the year to all general recreational use including hunting, fishing, hiking, wildlife watching, and other uses compatible with the use of state lands;
- (c) access routes restricted to foot travel only:
  - (i) must be capable of accommodating normal ambulatory travel; and
  - (ii) must not exceed ~~half-a-mile~~ one linear mile from the beginning to the end of the access route; and
- (d) access routes available to vehicles must be capable of accommodating typical road use vehicles.

(6) A landowner may impose reasonable limitations through temporary closure of a public access route to address concerns related to high fire, danger, weather-related impact to travel route, safety, or agricultural production activities such as livestock handling or harvest and planting of crops, ~~so long~~ as if:

- (a) the landowner notifies Department regional headquarters at least 24 hours prior to the closure;
- (b) the landowner posts notice to the public on-site; and
- (c) the closure ~~is not in effect:~~
  - (i) is in effect for no more than 7 days ~~without Department review and approval; or~~
  - (ii) must be approved by the Department if longer than 7 days; and
  - (iii) must be removed within 24 hours after ~~until~~ the natural environmental conditions no longer exist.

(7) through (8) remain as proposed.

**Action:** *Commissioner Stuker moved and Commissioner Wolfe seconded the motion that the Commission adopt the Unlocking State Lands Program tax credit administrative rules as presented.*

Commissioner Stuker asked if there could be multiple seven day temporary closures.

Charles stated that is correct; it can be closed for seven days without any Department input; if it extends beyond that the Department would review and approve the closure.

Chairman Vermillion asked for public comment.

***Action on Motion: Motion Carried.***

#### **11. Raundal Coulee Conservation Easement – Final Action**

Ken McDonald, Wildlife Administrator explained FWP proposes to purchase a Conservation Easement (CE) for \$900,000 from Habitat Montana to protect wildlife habitat, ensure agricultural production, and continued public access on the Tom and Karen Browning Ranch (Raundal Coulee). The CE would protect approximately 2,596 acres of riparian, plains forest, and sagebrush grasslands in southeast Petroleum County and along the eastern boundary of Garfield County and the Musselshell River. The property consists of 2 parcels approximately 8 miles apart: the Davis Unit, 1,752 acres of ponderosa pine-dominated plains forest and sagebrush grassland and 328 acres dedicated to dryland crops; the River Unit, located along the Musselshell River contains 515 deeded acres, with approximately 3.5 miles of plains cottonwood-dominated Musselshell River frontage. A final environmental assessment (EA) and Decision Notice have been completed and published. This CE will conserve agriculture and wildlife habitat and ensure continuing public access to the ranch's lands and adjacent public lands; wildlife habitat will be protected against development of the property; public recreational access will be available for hunting, fishing, trapping, and other purposes year-round; a rest-rotation grazing system will be implemented to improve the quality of vegetation for both cattle and wildlife, and the land's traditional land use-agriculture-will remain in perpetuity. Received 8 comments all voiced support for this CE.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission approve the purchase of the Raundal Coulee Conservation Easement from Tom and Karen Browning.***

Chairman Vermillion stated he spoke with Mr. Browning; long time family ranch; feels good about selling the CE to the Department and the State of Montana. The CE will play a pivotal role in the state's effort to keep sage grouse off the endangered species list.

Commissioner Wolfe asked about public access into the CE.

McDonald stated public access will be incorporated into the CE with minimum amount of hunter days; Mr. Browning is enrolled in block management.

Chairman Vermillion asked for public comment.

***Action on Motion: Motion Carried.***

**12. Peregrine Falcon Take – Proposed**

Ken McDonald Wildlife Administrator explained the U.S. Fish and Wildlife Service (FWS) delisted peregrine falcons in 1999 when there were less than 30 known occupied territories in Montana; monitoring shows continued increases in the number of nesting pairs and production of young, primarily in western Montana. The Montana Peregrine Institute reported 84 occupied nests in 2009 and 108 in 2012; the long term running average of fledged young per successful nest is 1.9. The take proposed is based on 2012 productivity estimate of 203 young fledged and the agreed take of no more than 5 percent of annual productivity described in FWP's 2007 Final EA. From 2008 through 2011 a total of 42 falconers applied for 18 permits, 5 birds were taken. In the 2012-13 biennium, take operated under a 10-bird quota for resident falconers, with 1 permit for nonresident falconers; 7 birds were taken including the allowed nonresident take. Representatives of the Montana Falconers Association support both the quota system for peregrine take and the nonresident permit allocation. FWP has received a request that the nest at Headwaters State Park be added to the list of sites closed to peregrine take due to its wildlife viewing value. Based on findings in FWP's 2007 Final EA and the history of peregrine take in Montana, the Department recommends the following allowable regulations for take of young peregrine falcons from 2014 through 2015:

**Level of Take<sup>1</sup>:**

The level of take will be no more than 11 young peregrines total during the take season of 2014 and 2015. A quota of 5 birds will be the target for resident take each year and a permit for 1 bird total will be given to a nonresident applicant during the take period. If the resident quota is exceeded during year 1 the quota in year 2 will be reduced accordingly.

Any over-harvest of the total 10 bird quota would be assessed in the subsequent year's regulations process. A falconer who accidentally takes a peregrine after the quota has been met must immediately notify a FWP employee within the Region where the bird was captured. Release of any fledged bird taken after the quota has been met may be required depending on the circumstances of take, age and independence of the bird, and location of take.

<sup>1</sup>If using the 5% allocation authorized under federal guidelines, the most recent 3-year intensive survey effort (2006-2009-2012) will be used to establish that allowable level of take. No take will be authorized if the number of documented active nests falls below 50 as indicated by the 3-year survey protocol.

**Regulations Governing Take:**

Licensed Montana resident and nonresident general or master falconers are the only falconers allowed to attempt take of peregrines.

Take by nonresidents is limited to one peregrine total during the 2014-2015 period through a permit system similar to the permit system for nonresident take of other falconry species.

A successful falconer that takes a peregrine may not attempt take during the following two years.

Season dates are June 1 to August 31.

Young may not be removed from their aeries before they are five days of age.

To avoid premature fledging of nestlings, aeries should not be entered when young are 28 days of age or more until fledging has occurred.

At least one nestling must be left in each aerie prior to fledging.

A fledgling may be trapped in the vicinity of the aerie.

Successful take must be reported to FWP within 12 hours.

Each falconer who takes a young peregrine from the wild must report the sex and legal description (T R ¼ ¼ S) or GPS coordinates (e.g. UTM, decimal degrees) of the nest location of each bird to FWP (nearest regional headquarters) and to the USFWS within five days of take of the bird. A photo of the nesting cliff will be provided to FWP.

A falconer who takes a young peregrine from the wild must band it with a permanent, non-reusable, numbered Fish and Wildlife Service band (provided with the permit) and must present the banded bird for inspection by FWP personnel within five days of capture.

For potential stable isotope analyses and law enforcement purposes, the falconer will present the bird to FWP after the bird is 30 days old and two breast feathers will be plucked. The feathers will be shipped or mailed to the Division of Migratory Bird Management; USFWS; 4401 North Fairfax Drive, Mail Stop 4107; Arlington, Virginia 22203-1610. When submitting feathers, the permittee should report the legal description (T R ¼ ¼ S) or GPS coordinates (e.g. UTM, decimal degrees) of where the bird was taken from the wild.

Birds taken may only be transferred between currently licensed Montana raptor permit holders and may not be transferred out of state without FWP approval.

The following nests will be prohibited from take due to high value wildlife viewing opportunities, ongoing agency-approved research efforts, or to meet other management objectives: Blodgett and Painted Rock aeries in the Bitterroot; Johnsrud aerie on the Blackfoot River; Frenchtown aerie on the Clark Fork River; Woods Bay aerie near Flathead Lake; Coulter (or Meriwether) aerie on the Missouri River; Sacrifice Cliff aerie on the Yellowstone River near Billings; Headwaters State Park.

Take will be prohibited from that area of Montana lying east of the following line: Beginning at the Montana-Alberta border at the northern initiation of Interstate 15 (I-15), south along I-15 to Great Falls, then east along MT HWY 87 to its junction with MT HWY 191 at Eddie's Corner, then south along HWY 191 to Big Timber and its junction with Interstate 90 (I-90), then east and south along I-90 to the Montana-Wyoming border.

For regulations on tribal lands, national parks or federal wildlife refuges, please contact the appropriate tribal government or federal agency.

The sale, barter or exchange of birds from the wild is prohibited.

***Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve FWP's recommendation to authorize the take of up to 10 peregrine falcons for falconry purposes by residents and 1 peregrine falcon for falconry purposes by nonresidents during the 2014-15 take period. I also move to add the nest at Headwaters State Park to the current list of nests closed to take.***

Commissioner Wolfe asked how the permits are allocated and how large of a group can participate in this activity.

McDonald stated it is a quota system; must be a general or master falconer; small specialized groups can participate.

Chairman Vermillion asked for public comment.



Ralph Rogers, President Montana Falconers President (MFA) explained there are 100 licenses in Montana; 60% are activated at any time; MFA membership hovers around 80 members. Explained history and explanation on the falconry take program.

Chairman Vermillion stated this program works well; very dedicated group of people that were instrumental in removing this bird off the endangered species list.

***Action on Motion: Motion Carried.***

**13. Proposed Amendment to Brucellosis Work Plan in Paradise Valley – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis. The Commission endorsed a 2013 work plan in February and reviewed annual implementation efforts in August; the plan included hazing, fencing and dispersal hunts as management actions available for implementation and were applied in 2013. While recommendations from the citizen working group identified local working groups, such participation has been most present in the Paradise Valley. A proposed 2014 work plan was presented on August 8, 2013 by FWP with input from the statewide working group that met in Bozeman July 11; the plan offered several modifications based upon 2013 experiences and the 2013 plan with renewed emphasis on local working groups and education/outreach. A final 2014 annual work plan was adopted in October after an extended public comment period and presented any work plan refinements developed using local working group inputs, could be proposed to the Commission at a future time. The wildlife sub-committee of the Upper Yellowstone Watershed group has been hosting local deliberations on proposed modifications to the 2014 annual work plan; FWP has been assisting these discussions with MSU Extension providing facilitation and other meeting logistics; the meetings have been open to any interested party. If approved by the Commission, modifications generated by Paradise Valley discussions would be available for use in 2014; modifications include private land fencing efforts to delineate reduced-risk travel corridors and later dates for lethal removals on private land. If the proposed amendment is approved public comment will be solicited. The Elk Management in Areas (EMA) with Brucellosis Local Working Group for the Paradise Valley has recommendations for revisions to be included in their work plan for 2014; these recommendations go above and beyond the EMA with Brucellosis 2014 Work Plan presented by FWP:

**Recommendation 1:** Reinstate the May 1 – May 15 dates to the local work plan; is a critical time period for prevention of commingling and disease transmission in Paradise Valley. Some form of lethal removal may be necessary to prevent commingling/disease transmission during this time period; livestock producers who desire to prevent elk from commingling with cattle on private property and DNRC lands must have tools available; when hazing becomes ineffective, forms of lethal removal should include both the Elk Management Removals (EMR) and kill permits.

**Recommendation 2:** Use large-scale fencing in suitable areas for creation of corridors to allow elk movement, but prevent comingling and disease transmission in pastures used by cattle during the risk period, and the unwritten definition of ‘small-scale’ should be increased to include pastures where cattle are present during the risk period, and FWP should include fence modification as a method of fencing appropriate to minimize brucellosis transmission in the Paradise Valley DSA and should be responsible for the cost of materials, as in the existing game damage process.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the proposed 2014 annual work plan modifications for brucellosis-related elk management tools in the Paradise Valley as presented by FWP.***

Commissioner Wolfe asked what the fencing corridors consists of.

Kujala gave a lengthy discussion on the cost and means of fencing corridors.

Chairman Vermillion stated Recommendation 2 may be a better long term solution, but needs to be carefully applied; most likely will not be ready by spring; for the first year, need to provide the opportunity for hazing/dispersal of elk as a result of lethal removal during the first two weeks of May; prefers not to see hunters involved, issue kill permits to landowners. By next year, hopefully a plan will be in place that will give a clearer perspective of what fencing entails. Important to remember that the landowners and sportsmen are volunteers; don't attack or take these proposals personally.

Chairman Vermillion asked for public comment.

Druska Kinkie, Paradise Valley Working Group Chairman explained hazing programs within her area; very site specific; the plan would be worked out with the landowners and FWP personnel. APHIS has brucellosis mitigation funds that is used in the GYA; encourages FWP to have conversations with them to see if they would help with cost.

Nick Gevock, Montana Wildlife Association (MWF) believes there are more questions than answers; cost benefit analysis should be done; questions the proposal; very complicated; hunter and sportsmen are uncomfortable with late hunts.

Chris Marchion, Anaconda Sportsmen Club (ASC) stated this is an ongoing and tough issue; urges caution.

Dr. Eric Liska, Department of Livestock (DOL) Brucellosis Veterinarian stated since 2007, 4 out of 5 affected cattle herds have been associated with Paradise Valley; producers and landowners have 2 tools for prevention of brucellosis, vaccination and special separation.

Volesky asked Dr. Liska about availability of APHIS funds.

Dr. Liska stated there are potential funds available; recommends DOL and FWP discuss the use of funds.

Jim Wisman; Gallatin Wildlife Association (GWA) recommends going back to the February 15 date for the lethal removal of elk; large scale fencing projects on private land should be paid by the landowners, not FWP funds.

Bill O'Connell, GWA, Madison Elk Working Group participant, need a neutral facilitator to work with the working group; opposes fencing and lethal removal after February 15.

Mark Albrecht, Statewide Elk Working Group member, set ourselves up for failure in implementing the working group; want to minimize transmission not eradicate; need more thought into the local working groups to be effective; learn from history; don't forget science.

Kathryn QannaYahu, Enhancing Montana's Wildlife and Habitat (EMWH) needs to be based on wildlife management, not livestock; using sportsmen dollars without any public hunter access; legality issues.

JW Westman, Laurel Rod and Gun Club (LRGC), against proposals; harboring is a problem, if not dealt with effectively during the general season, other efforts are ineffective.

Commissioner Tourtlotte stated recommendation 2 falls short of a recommendation to bring forward; need to have an idea of cost and scope of fencing; need details. Recommendation 1 needs to be backed up by facts and science. Will be looking for information in the final proposal.

Chairman Vermillion stated a need to figure a way to keep conversation and proposals coming forward; it is now time for Montanan's to speak. Has concerns over Recommendation 2; broad based; short term solution; population control is only part of the solution. Ranchers are trying to figure a way to be good neighbors and stay in business.

Commissioner Wolfe stated he has a number of concerns over proposal; supports taking it to the public.

***Action on Motion: Motion Carried.***

#### **14. 2015-2016 Helena Urban Deer Management Quota Range – Final Action**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

***Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final quota range for take of urban deer by the City of Helena as presented by city staff and FWP.***

Chairman Vermillion stated the MDF indicated there may be some opportunity to incur some or most of the cost for a small scale translocation; public comment also supports; encourages the Department to look into the possibility.

Pauley stated if that option becomes more viable, the Department will bring it to the Commission attention.

Chairman Vermillion asked Marshall Johnson, MDF, to submit a letter stating their intentions.

***Action on Motion: Motion Carried.***

#### **15. 2014-2015 General Hunting Regulations – Final Action**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final changes as presented by FWP.***

Commissioner Wolfe stated an individual approached him and is concerned about feral pigs moving into Montana; suggested somewhere in the regulations to clarify that it is legal for a hunters to kill feral pigs. Received calls from several landowners asking if there is flexibility a year from now to modify the regulations, if there is a management need.

Pauley stated it is unclear where feral pigs stand; great suggestion. The biennial season setting is a Department and Commission policy; if issues arise that are critical and it's necessary to take action where opportunity exists.

Commissioner Stuker stated he attended a predator control meeting; feral pigs are in North Dakota; an individual acknowledged that \$20 million are allocated in the Farm Bill to try and control feral pigs.

Chairman Vermillion explained as Commissioners, if you feel the need to address something, there is nothing in statute or regulation that prevents the Commission to address it. Asked the Department to start looking into smart rifles.

Volesky asked what the penalty is if someone does not return a band, collars etc.

Kropp stated it would initially be a \$135 fine; with new rules and laws that come into effect, a lot of education upfront is done before they are enforced.

***Action on Motion: Motion Carried.***

#### **16. 2014-2015 Deer, Elk and Antelope Hunting Seasons, Quota Ranges and HD Boundaries – Final Action**

George Pauley, Wildlife Management Section Chief presented a power-point presentation on Mule Deer Management.

#### **DEER**

##### **Statewide**

George Pauley, Wildlife Management Section Chief explained mule deer populations that may require general season antlerless harvest during the 2014 and 2015 archery and firearm seasons; the Commission authorizes up to 500 antlerless mule deer B licenses in each of FWP administrative Regions 3-7. The Department, with approval from the Regional Supervisor, FWP Director and area Commissioner, may authorize additional B licenses valid for antlerless mule deer in all or portions of specific HD's or groups of HD's. These B licenses may be activated at any time prior to and during the 2014 general archery and firearm seasons and would be allocated via the hunt roster. Any unsold licenses would be made available via surplus sale. No hunter may hold more than two of these antlerless mule deer B licenses. Unless otherwise acted upon, these circumstances would remain in effect for the 2014 and 2015 general hunting seasons. Specific elements of this authority for these specific antlerless mule deer B licenses include: Regions 3 – 7 would each have a quota of 500 antlerless mule deer B licenses; Regions may authorize sets of B licenses with approval from the Regional Supervisor, FWP Director, and Area Commissioner at any time after July 15 for use during the fall general hunting seasons; B licenses would only be authorized if mule deer populations were determined to be at or above long term averages and where regional staff determines management seasons and game damage hunts would be unable to address population and damage concerns; B licenses may only be valid for all or part of the archery only season and/or the general firearm season; any one set of B licenses may not exceed 100; total B licenses in any region would not exceed the regional quota of 500; B licenses would be valid in as specific area as possible to reflect management need. This may be a portion of a single hunting district, an entire hunting district or group of hunting districts; B licenses may not be valid for an entire region; B license would be allocated via the hunt roster. Any remaining B licenses may be allocated via surplus license sale; No hunter may hold more than two of these B licenses in any one license year.

Chairman Vermillion stated he appreciates the Department listening to the feedback from Commissioners and the public on this issue.

Chairman Vermillion, Director Hagener and Pauley had a lengthy discussion on trend data, quota changes, game roster and the thinking behind the above proposal.

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**Action:** *Chairman Vermillion moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 and 2015 Deer Hunting Seasons and Hunting Districts as presented by FWP. Chairman Vermillion also moved to adopt all other portions of the previous 2012-2013 deer season regulations not affected by the Commission's actions today. For mule deer populations that may require general season antlerless harvest during the 2014/2015 archery and firearm seasons, FW Commission authorizes antlerless mule deer B license in each FWP Regions 3-7. These B licenses may be activated at any time prior to and during the 2014 archery and firearm season and would be allocated via the hunt roster. Any unsold licenses would be made available via surplus sale. No hunter may hold more than two of these antlerless mule deer B licenses. Unless otherwise acted upon, these circumstances would remain in effect for the 2014 and 2015 general hunting seasons.*

*Chairman Vermillion moved and Commissioner Tourtlotte seconded to amend the motion and add: The Department, with approval from the Regional Supervisor, FWP Director and Area Commissioner, may authorize additional B licenses valid for antlerless mule deer in all or portions of specific Hunting Districts or groups of Hunting Districts.*

Chairman Vermillion asked for public comment.

Jeff Herbert, Helena, asked if the intent is to develop a roster of hunters by HD that can be activated to a certain level that reflects the status of deer populations after the April surveys; questions the process.

Pauley stated within statute, the Department is compelled to go through some random process.

Chairman Vermillion recommend for the Commission to receive the data in the spring and make prescriptions and harvest management recommendations based on quota ranges.

Pauley stated timing is the issue; would run out of time to use the regular controlled hunt process; would have to use the game damage roster instead.

Director Hagener explained what the Department is trying to do is get in line with game damage and management hunts but allow them to be done during the regular season.

Herbert stated it is confusing; makes more sense to use the existing quota range.

Chairman Vermillion, Director Hagener and Pauley had a lengthy discussion regarding B license in certain districts, and game damage and management hunts.

Commissioner Wolfe asked if the proposal on the table accomplish what is needed.

Director Hagener stated the Department is trying to accomplish something that works within the system and is understandable to the public.

JW Westman, LRGR requested to add whitetail deer into the motion; questions approach.

Ray Mule', Region 5 Wildlife Manager stated more were added into the tentative, but based on public comment it was deferred to wait until spring surveys are completed to see if it still is a possibility to add more.

Chairman Vermillion stated this has been a difficult process; working on landscape that is changing. This may not be the perfect solution, it does give the opportunity to look at trend data in the spring and provide management options.

***Action on Motion: Motion Carried.***

Pauley explained the following changes from the tentative proposal per Region:

**Region 2**

HD 201: Increase existing white-tailed B licenses in Four Mile area from 5 to 25 and modify the area they are valid to be only private land. Eliminate the 50 white-tailed deer B-licenses for Ninemile/Sixmile Area

HD 210: Eliminate 25 private land B-licenses for mule deer. (statewide changes)

HD 212: Reduce private land B licenses from 150 to 50 for mule deer. (statewide changes)

HD 213: Reduce private land B licenses from 100 to 50 for mule deer. (statewide changes)

HD 204/240/250/261/270: Reduce white-tailed deer general license antlerless harvest opportunity from season-long to the first 9 days. Allow youth to continue to hunt for ~~antlerless either-sex~~ white-tailed deer season-long on the general license. District specific antlerless B licenses would be eliminated in HD 250 and 270. Allocate limited B-licenses for antlerless white-tailed deer in other districts as follows:

HD 204—50 B licenses (~~existing 100 B – licenses for private land only, would also stay in place~~)

HD 240—100 B licenses

HD 261—25 B licenses

Reduce archery-only, over-the-counter B license 260-10 from 5 to 3 per hunter (valid in 204, 240, 250, 260, 261, ~~and 270~~ and 283).

~~New HD 206/260: Adjust the boundary of Hunting District 260 to confine it to the Bitterroot River bottoms south of Missoula (see Elk Master List). The west side of the valley would be in HD 206, while the east side would be within HD 260.~~

HD 260: The deer season framework in the portion of HD 260 west of Highway 93 in Missoula County ~~new HD 206~~ would be general, either-sex white-tailed deer, archery only from the beginning of archery season through January 15.

Add either-sex mule deer to the general season in HD 260, except the portion west of Highway 93 in Missoula County.

Eliminate LPT 260-30. LPT 260-30 allowed 500 B licenses for either-sex white-tailed deer, using archery equipment, shotgun, traditional handgun, muzzleloader or crossbow, from December 1 - January 15 in HDs 204, 240, 250, 260, 261 and 270. This would return HD 260 to an archery-only district with the existing general deer license, archery equipment only, either-sex white-tailed deer from the beginning of archery season to January 15<sup>th</sup>. This season would also be changed to add either-sex mule deer, as noted and qualified above.

~~Add 1 over the counter B license for antlerless mule deer. Archery equipment only. Valid only in HD 260 from September 6—November 2.~~

HD 240: South of Carlton Creek and outside the National Forest boundary, expand general deer license to be valid for antlerless mule deer as well as either sex white-tailed deer. Valid for antlerless white-tailed deer from October 25 - November 30, and also archery-only season. Valid for antlerless mule deer from October 25 - November 2.

HD 250/270: Reduce limited buck permits in HD 250 from 85 to 40, due to the proposed boundary change involving HDs 240 and 270 (see Elk Master List), which would transfer the most accessible and productive fall mule deer habitat to those districts. Extend the closing date from November 17 to the end of the general season. Eliminate all opportunity to hunt antlerless mule deer in HD 270. This would eliminate LPTs 270-00 (25 B licenses), 270-01 (25 B-licenses), and 270-02 (25 B-licenses).

HD 262: Create new Hunting District (HD) 262 from portions of HDs 204 and 261 in the East Bitterroot Valley (see Elk Master List). A primitive weapons season would run ~~during prior to~~ the archery season (August 15-day prior to archery start) and ~~from the day after the general season close to January 1 up to the general firearm season.~~ The two day youth deer season would be any weapon. HD 262 would have the standard general rifle season. ~~HD 262 would be open to either-sex white-tailed deer and antlerless mule deer. Also, 200 B licenses would be valid for antlerless deer, either species.~~ Existing mule deer buck permits in HD 261 would also be valid in HD 262.

HD 290: Add an over-the-counter B license valid for antlerless white-tailed deer, archery-only. Up to ~~three~~ two of these B licenses per hunter. These B Licenses would be valid from the beginning of the statewide Archery Only Season through December 15. This proposal would also change the General Deer License to: September 6 - December 15: Either-sex White-tailed Deer and Antlered Buck Mule Deer. ArchEquip Only. This proposal would restore over the counter white-tailed deer B licenses, general season either-sex white-tailed deer harvest, and eliminate antlerless mule deer harvest in Hunting District 290.

HD 291: Eliminate existing mule deer B licenses, reduce mule deer buck permits from 100 to ~~30~~ 50, and ~~increase~~ reduce youth only mule deer buck permits from 25 to ~~30~~ 10. Sixty total permits would be offered, equally divided between youth-only and all hunters, as per strong public comment.



HD 292: Make the existing Add 75 ~~new-and-additional~~ white-tailed deer B licenses (quota range 25 – 200) valid only on private land in the Blackfoot watershed.

***Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 and 2015 Deer Hunting Seasons and Hunting Districts as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 deer season regulations not affected by the Commission's actions today.***

Chairman Vermillion asked for public comment.

Stephen Kenley, Ravalli Fish and Wildlife (RCFW), concerned about opening season for mule deer population in HD 260.

Marshall Johnson, MDF, expresses same concerns as RCFW.

Mike Thompson, Region 2 Wildlife Manager explained the problem is a river bottom archery-only situation; did not hear that comment during season setting process.

Commissioner Wolfe asked about the concern in HD 260.

Thompson explained HD260 is a river bottom archery-only area that would allow the A license the ability to take either sex mule deer; this was not strongly commented on during public comment.

***Commissioner Wolfe moved and Commissioner Stuker seconded to amend the motion for HD 260 and remove the following from the proposed regulations: Add either-sex mule deer to the general season in HD 260, except the portion west of Highway 93 in Missoula County.***

HD 260: The deer season framework in the portion of HD 260 west of Highway 93 in Missoula County ~~new-HD-206~~ would be general, either-sex white-tailed deer, archery only from the beginning of archery season through January 15.

~~Add either-sex mule deer to the general season in HD 260, except the portion west of Highway 93 in Missoula County.~~

***Action on Motion and Amended Motion: Motion Carried.***

## ELK

George Pauley, Wildlife Management Section Chief explained changes from the tentative proposal:

## **Region 1**

Region Specific B License Definition: In the following districts (100, 101, 103, 104, 109, 110, 120, 121, 122, 123, 124, 130, 132, 140), the following restriction applies: Hunters who receive a B license to hunt antlerless elk during all or any portion of the General Archery and/or Firearm Seasons may not take an antlered elk in the district ~~or portion of a district~~ for which the B license is valid. This restriction applies for the entire season even if the B license is valid for only a portion of the season.

## Region 2

LPT 002-80: ~~Eliminate this Single Region B license for antlerless elk, ArchEquip Only, which was valid in HDs 260, 283, 290, 292, 298, and a portion of 201. It has not been effective in gaining harvest on private land, and has been largely replaced by HD-specific proposals.~~

HD 200: ~~Eliminate the 10 B-licenses in 200-01.~~

Region Specific B License Definition: In the following districts (200, 201, 202, 204, 210, 211, 212, 213, 214, 215, 216, 240, ~~261, 270~~, 282, 283, 285, ~~290 and 291, and 293~~), the following restriction applies: Hunters who receive a B license to hunt antlerless elk during all or any portion of the General Archery and/or Firearm Seasons may not take an antlered elk in the district ~~or portion of a district~~ for which the B license is valid. This restriction applies for the entire season even if the B license is valid for only a portion of the season.

HD 201: Reduce existing B licenses from 85 to 60 and modify the area they are valid to be only private land outside the USFS administrative boundary. ~~Increase existing B licenses in Nemote Creek are from 30 to 50.~~ Also add general license antlerless opportunity for youth on private land in the Ninemile/Sixmile area.

HD 202/203: ~~Replace general elk season with unlimited permits for brow-tined bull elk. The permits would be first choice only. There would be separate permits for each HD.~~

~~Create new HD 206 out of existing HD 260: This area would be open for general license brow-tined bull harvest with archery equipment only throughout both general fall seasons. The proposed legal descriptions is HD 206 -- That portion of Missoula County lying within the following described boundary: beginning at US Highway 93 and Blue Mountain Road in Missoula, then west and northerly along said road to Big Flat Road (Missoula County Route 30), then northerly along said road to the old Harper's Bridge, then westerly down the west shoreline of the Clark Fork River to the first Interstate 90 bridge west of the Ninemile interchange, then easterly along Interstate 90 to its intersection with US Highway 93 in Missoula, then southerly along said highway to Blue Mountain Road, the point of beginning. -- 260 Bitterroot-Clark Fork Archery District: Those portions of Missoula and Ravalli Counties lying within the following described boundary: Beginning at US Highway 93 and Miller Creek Road in Missoula, then south on said road to the Trails End Road, then south on said road to its end, then south along the east side of the Montana Power Company B Power Line to the Eightmile Creek Road, then south along said road to its junction with the eastside Highway (State Routes 203, 268 and 269), then south on said highway to its junction with US Highway 93 at Hamilton, then south on said highway to its junction with State Route 38, then south along said route to its junction with State Route 501, then south along said route to its junction with County Road 87, then south along said road to its junction with US Highway 93 at Como, then north along said highway to its junction with the Roaring Lion Road, then west along said road to its junction with County Road 68, then north along said road to its junction with County Road 62, then north along said road to its junction with US highway 93 at Riverside Bridge, then north along said highway to Miller Creek Road, the point of beginning.~~

HD 210/211/216: ~~Add 1000 new B licenses (quota range 200-1200) valid only on private land.~~

~~HD 210: Decrease current B-licenses from 250 to 100.~~

~~HD 211: Decrease current B-licenses from 100 to 50.~~

HD 212: Maintain existing general season and B licenses except in proposed north portion between Boulder Creek and Gold Creek which would change to a limited draw with 100 brow-tined bull permits (quota range 5 - 400), along with unlimited, over the counter B licenses, valid only on private land, that must be purchased prior to the start of the archery season. The proposed north portion of HD 212 is: Boulder Creek to Gold Creek. Those portions of Granite and Powell Counties lying within the following-described boundary: Beginning at Drummond south on Highway 1 to Boulder Creek at Maxville, southeasterly on FS 676 up Boulder Creek to FS 5184 following Little Gold Creek northeasterly to FS 78452, then southeast to FS trail 8054, north to FS trail 8052 northeasterly until its intersection with FS 302, northeasterly to its junction with FS 645, north on the Gold Creek road to its intersection with Highway 90 and then northwest on Highway 90 until its intersection with Highway 1 at Drummond the point of beginning. With the elimination of this part of the area located "north of Boulder Creek," reduce the existing B licenses from 400 to 200 in 212-00, and re-describe it as "east of Gold Creek" and retain 50 elk B-licenses in 212-01, south of Boulder Creek.

~~HD 213: Reduce current Elk B-licenses from 200 to 25. Propose new 200 B-licenses valid only on private land (quota range 5-400).~~

~~HD 214: Decrease current B-licenses from 75 to 50.~~

~~HD 215: Maintain general elk season except for Spotted Dog WMA which is proposed as a limited draw area with 50 either sex elk permits (quota range 5-200) valid for archery and general rifle season, 25 elk B-licenses for each week of the general season (quota range 5-100 for each period), and 25 elk B-licenses for archery season (quota range 5-100). Additionally, on private lands throughout HD 215 add 400 elk B-licenses (quota range 5-400) and on all lands south of Cottonwood Creek increase current elk B-licenses from 200 to 300 and decrease current elk B-licenses on all lands north of Cottonwood Creek except Spotted Dog WMA from 300 to 200.~~

~~HD 216: Decrease current B-licenses from 75 to 50.~~

~~HD 240/261: Restrict the general elk archery and firearm season in HDs 240 and 261 to brow-tined bull by permit only (unlimited permits, first-choice). Youth may hunt brow-tined bull or antlerless elk on the general license in archery or firearm season, district-wide. Eliminate Elk B licenses in these HDs (currently 50 in HD 240 and 50 in HD 261). Within a portion of HD 240 that portion located outside the National Forest boundary and south of Carlton Creek hunters may hunt antlerless elk on the general license with archery equipment during the archery-only season, and with a rifle in the general season through November 2.~~

HD 260: Eliminate LPT 260-00 (5 B-licenses). This was an oversight in developing the original proposals.

HD 261: Reduce 261-00 B licenses from 50 to 25. Create 261-01, with 25 B licenses, valid on private land only. These proposals are adjustments made in adjustment to removing part of HD 261 for the creation of new HD 262.

HD 270: Add a general youth archery elk season (current youth season is only valid during the general rifle season). Also replace the existing Elk B-licenses and the existing brow-tined bull and antlerless opportunity for youth on the general license with the following structure: HD 270 General Season:

~Archery-Only Season, Brow-tined bull elk. Only youth ages 12-15 (close youth antlerless)

~General Season, Brow-tined bull elk. Only youth ages 12-15, (close youth antlerless)

~Elk B Licenses (valid in archery and rifle seasons)

~270-00 100 B-licenses. Only valid north of Sula Peak and Rye Creek.

~270-01 100 B-licenses. Only valid north of Sula Peak and Rye Creek. Only youth ages 12-15.

~270-02 50 B-licenses. Only valid in East Fork portion of hunting district.

~270-03 50 B-licenses. Only valid in East Fork portion of hunting district. Only youth ages 12-15.

~270-04 25 B-licenses. Only valid in that portion of hunting district west of Highway 93.

~270-05 25 B-licenses. Only valid in that portion of hunting district west of Highway 93. Only youth ages 12-15.

HD 280: Make minor adjustments to hunting district boundaries for HDs 280, 281, and 285. Portions of Lolo Nat. Forest trails 246T and 17 were previously used to delineate FWP hunting district boundaries. These trail portions are no longer maintained and have been removed from current Forest Service maps. Slightly adjusting the boundaries to nearby watershed divides and the Wilderness Boundary will better allow hunters to orient themselves and comply with standing regulations.

**280 North Blackfoot:** Those portions of Powell and Lewis and Clark Counties lying within the following described boundary: Beginning on Monture Creek Trail 27 at its junction with Falls Creek Trail 16, then north along Monture Creek Trail 27 to Center Creek Trail 463, then west along said trail to Center Creek Trail 246, then west along the watershed divide to Youngs Pass and the Flathead-Blackfoot Divide, then northeast along said Divide to Triple Divide Mountain and the Continental Divide, then southeasterly along said Divide to Falls Creek (of the Landers Fork of the Blackfoot River), then southwest along said creek to the Landers Fork, then up said river to Heart Lake Trail 478, then southerly along said trail to its intersection with Trail 481 at Heart Lake, then westerly along Trail 481 to Red Mountain-Ringeye Creek Trail 423, then southwesterly along said trail to Red Mountain, then southwesterly along the Scapegoat Wilderness Boundary (divide between Copper and Beaver Creeks on the south and East Fork of North Fork Blackfoot River on the north) to Arrastra Mountain then northwest along Scapegoat Wilderness Boundary to North Fork Blackfoot Trail 32, then southwesterly along said trail to North Fork Blackfoot Trailhead and Lake Creek Trail 61, then northwest along said trail to its junction with Trail 16 near Lake Otatsy, then northwesterly along said trail through Camp Pass to Monture Creek Trail 27, the point of beginning.

**285 Monture:** Those portions of Missoula and Powell Counties lying within the following-described boundary: Beginning at the junction of State Route 83 and State Route 200, then southwest along State Route 200 to the Woodchuck-Blanchard Divide, Section 8 SW 1/4, T14N, R14W, then northwest along said divide to Blanchard Pt. and Game Ridge, then northwest along said ridge to the Boles Creek- Belmont Creek Divide, then southwest along said divide to Gold Creek Peak, then northwest along the Boles Creek-Gold Creek Divide to the Flathead Indian Reservation boundary, Section 11 NE 1/4, T15N, R17W, then north along said boundary to the Swan-Clearwater Divide, then northeast along said divide, crossing State Route 83, to Wolverine Peak, then southeast along the Flathead-Blackfoot River Divide to Youngs Pass then east along the watershed divide to Center Creek Trail 463, then east along said trail to Monture Creek Trail 27, then south along said trail to the Monture Creek Campground, then south along Monture Creek Road 89 to State Route 200, then approximately 6 miles west along said route to its junction with the Woodworth Road, then 4.5 miles north on said road to the southern edge of T16N (where the boundary of the Blackfoot-Clearwater WMA crosses Woodworth Road), then east 0.4 miles along said posted boundary, then north 0.5 miles along said posted boundary, then east 0.5 miles along said posted boundary, then north 1.5 miles along said posted boundary to the Seeley-Monture road (USFS Road 477), then four miles northwest on said road to Cottonwood Creek, then south along said creek to Woodworth Road (near the Missoula-Powell County line), then west on said road to its junction with State Route 83, then south on said route to its junction with State Route 200, the point of beginning.

**281 Upper Blackfoot:** Those portions of Powell and Lewis and Clark Counties lying within the following described boundary: Beginning at Rogers Pass on State Route 200, then southwest on said route to the Landers Fork River Bridge, then northeasterly up Landers Fork to its

[intersection with the Great Falls to Ovando powerline, then westerly along said powerline to its intersection with the Beaver Creek Road, then southerly along said road to State Route 200, then west along said route to Monture Creek Road 89, then north on said road to the Monture Creek Campground, then north on Monture Creek Trail 27 to Falls Creek Trail 16, then easterly along said trail through Camp Pass to Lake Creek Trail 61 near Lake Otatsy, then southeasterly along said trail to the North Fork Blackfoot Trailhead, then north on North Fork Blackfoot Trail 32 to the Scapegoat Wilderness Boundary, then southeast along said boundary to Arrastra Mountain, then northeasterly along Scapegoat Wilderness Boundary to Red Mountain, then northeasterly on Red Mountain-Ringeye Creek Trail 423 to its junction with Webb Lake Trail 481, then east along said trail to its junction with Heart Lake-Bighorn Creek Trail 478 near Heart Lake, then north along said trail to Landers Fork River, then southeasterly along said river to Falls Creek \(of the Landers Fork River\), then northeasterly along said creek to the Continental Divide, the southeast along said divide to Rogers Pass, the point of beginning.](#)

~~HD 282: Reduce the number of Elk B licenses in HD282 from 25 to 5.~~ [This revised proposal is to restrict use of a 282-80 B License to HD282, only. Previously, successful applicants for a 282-80 Elk B License could also use this license in adjacent HD285.](#)

~~HD 283: Increase the number of 283-03 B-licenses from 50 to 60 and~~ [Expand this B license to include the archery only season. Change the limited B-license opportunity to unlimited over-the-counter B-licenses valid on private land only in the 283-03 area, with a purchase deadline of the first day of archery season.](#)

[HD 285: Introduce \(25\) Elk B Licenses valid only for youth ages 12-15 and only valid on private land east of Hwy 83.](#)

~~HD 291: Add 200 new B licenses (quota range 5—500) valid only on private land.~~

~~HD 293: Restrict Elk B licenses to private land~~ [within Powell County](#) only and increase them from 25 to 100.

### Region 3

[HD 313: Adjust unlimited bull permits to first-choice only and extend permits to include archery season. 313 bull elk permits will be available to resident and nonresident hunters in two ways: 1\) as a first choice in the March 15 drawing, and 2\) for those individuals who did not apply for a bull permit, permits may be purchased as surplus licenses until September 5th.](#)

### Region 5

HD 500/502/portion of 510 west of HWY 310/511/portion of 520 south and east of West Fork of Rock Creek/530/570/575/portion of 580 south of Sweet Grass Creek/590: Adjust general license from antlerless to spike bull or antlerless throughout the general archery and firearm seasons. Spike bull definition is any elk having antlers which do not branch. If branched, branch must be less than four inches long measured from the main antler beam. [\\*\\*The portion of 520 south and east of the West Fork of Rock Creek is currently not open to general rifle hunting and will continue to be closed to general rifle hunting. Spike bulls will be added to the general archery bag limit in this portion.](#)

[HD's 500, 502, Portion of 510 west of HWY 310, 511, 520, 530, 540, 560, 570, 575, 580 and 590:](#) The proposal is to remove the individual hunting district Elk B-licenses in the above districts and portions and replace those B licenses with one Region 5 elk B license that would be valid in these districts or district portions but not valid on National Forest lands. The current archery and general season either sex permit structure would remain unchanged in these districts and district portions. Bull harvest opportunity is by permit only in the form of either sex archery permits and either sex general season permits in these districts or district portions. FWP proposes a quota of 1200 licenses and quota range of 500 – 2500. [This proposal would be adjusted to restore the 520 b-license, with 25 permits, valid south and east of the West Fork of Rock Creek. The region-wide B-license would also be valid in this portion.](#)

Commissioner Stuker asked if elk tags were being cut in HD 212. Received a call from an individual who lives in HD 212; he stated he has 800 head of elk in his pasture; need to do something to reduce the numbers.

Thompson stated yes, tags are being cut; the Regional office can contact the individual; could be covered in the over the counter B licenses portion of HD 212

Commissioner Stuker received a call regarding HD 425, asked if the five either-sex elk permits could be handicapped only; is this a possibility and are there any areas that are handicapped only.

Pauley stated there are no areas that are handicapped only; in the past, there was an opportunity to persons who had a permit to hunt from a vehicle, but this has been suspended; it is the Department's intention over the next two year cycle to see how registration goes under the new rules and perhaps offering that opportunity again in two years.

Commissioner Stuker stated when he met with individuals in HD 401, comments and concerns were expressed if this did not work this year, it be revisited next year.

Pauley stated the concerns are understood; all parties agree that this is worth a try.

Commissioner Wolfe stated in 2013 there were approximately 1100 limited archery licenses were issued for HD 400 and the licenses never got used. Asked if that was a concern or is that in the number of permits to start with; it's unfortunate with a tag in that high of demand, that 1100 were drawn but not utilized; should there be more permits issued.

Chairman Vermillion and Pauley explained the history of HD 400 licenses, tags and archery stamps.

Commissioner Wolfe stated the change from 1000 to 0 B licenses valid only on private land in HD 210, 211 and 216 is drastic; seems like there should be an opportunity in these districts for sportsmen that have relationships with private landowners, to have a minimum number of private land B tags.

Thompson explained the reasoning for the change in HD 210, 211 and 216; drawing odds actually might be higher than a person would expect; HD 210 would be a good district to test.

Commissioner Wolfe stated he will propose an amendment to the motion.

Commissioner Stuker stated he has received a lot of calls asking why the late season hunt are not being reinstated; landowners feel the late season hunts work better for reducing elk.

Pauley explained the past approach failed; antlerless harvest where inadequate to bring many districts down to objective. Gave a lengthy explanation regarding the psychology, history and advocacy of late season hunts; need newer and better solutions.

Commissioner Stuker stated he encourages to look at new ideas or ways to reduce numbers; there are landowners who are concerned enough to state they might go into outfitting to recoup the money they are losing from the damages due to over populations of elk.

Pauley stated the Department is aware of the extreme circumstance of being over objective in those Regions; big concern.

***Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 and 2015 Elk Hunting Seasons and Hunting Districts as presented by FWP, with the following amendment: HD 210 add 50 new B licenses valid only on private land. I also move to adopt all other portions of the previous 2012-2013 elk season regulations not affected by the Commission's actions today. Chairman Vermillion added the following amendment: HD 380 to increase the permit level from 80 to 120.***

Chairman Vermillion asked for public comment.

Stephen Kenley, RCFW, supports the youth B licenses in HD 270; limit to two youths per adult.

Chris Marchion, ASC, people are against with the opportunity for the taking two elk in Region 2; people are losing confidence in the system; at the December meeting he suggested that HD 210, 211, 216 should be permit only, no discussion took place with the Region. Against 50 B licenses in HD 210; no late season hunts.

Nick Gevok, MWF, stated the license committee has proposed a base hunting license that will have to be bought before anything else; speculation is that people are hunting without the archery stamp. Need MOGA in the conversation regarding concentration of elk. Supports the Gravelly proposal; very simple.

Maggie Nutter, Sweet Grass, late season hunts were very successful in her area; would like to keep late season hunts; bring party hunts back.

Steve Kamps, MBA, commends Region 2 for listening to the public.

Stephen Kenley, RCFW, would like to see one elk per hunter Region wide in Region 2.

Commissioner Stuker stated a major concern PLPW committee is the outfitter/landsmen/hunter relationship; a outfitter will be at the meeting on the February 19 to get their perspectives.

Chairman Vermillion stated he likes what the Department has done with HD 313; requests the Department/Commission revisit in December.

***Action on Motion: Motion Carried***

#### **ANTELOPE**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

***Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission adopt the final 2014 and 2015 Antelope Hunting Seasons and Hunting Districts as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 antelope season regulations not affected by the Commission's actions today.***

***Action on Motion: Motion Carried***

#### **17. 2014-2015 Moose, Sheep and Goat Hunting Seasons, Quota Ranges and HD Boundaries – Final Action**

#### **MOOSE**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 and 2015 Moose Hunting Seasons and Hunting Districts as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 moose season regulations not affected by the Commission's actions today.***



***Action on Motion: Motion Carried.***

### **BIGHORN SHEEP**

George Pauley, Wildlife Management Section Chief stated there is one change for Region 2 from the tentative proposal (see minutes from the December 12, 2013 Commission meeting):

#### **Region 2**

~~No Change~~

213 – Re-open the 213 sheep hunt with two legal ram licenses, quota range of one to five licenses.

***Action: Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission adopt the final 2014 and 2015 Bighorn Sheep Hunting Seasons and Hunting Districts as presented by FWP. Commissioner Tourtlotte also moved to adopt all other portions of the previous 2012-2013 bighorn sheep season regulations not affected by the Commission's actions today.***

Chairman Vermillion asked for public comment on the proposed change.

Chris Marchion, ASC, supports the recommendation; would like to see four legal ram permits.

Jim Weatherly, MTWSE, supports issuing more ram tags for Anaconda; would like to work with the Department to address excess ram population in post die-off herds.

***Action on Motion: Motion Carried.***

### **MOUNTAIN GOAT**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the final 2014 and 2015 Mountain Goat Hunting Seasons and Hunting Districts as presented by FWP. Commissioner Wolfe also moved to adopt all other portions of the previous 2012-2013 mountain goat season regulations not affected by the Commission's actions today.***

Chairman Vermillion stated he has received phone calls regarding HD 313; concerned the numbers are too high; asked the Department to talk with Justin Paugh in Big Timber regarding his concern.

***Action on Motion: Motion Carried.***

**18. 2014-2015 Black Bear Hunting Seasons, Quota Ranges HD Boundaries and Quotas – Final Action**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 and 2015 Black Bear Hunting Seasons and Hunting Districts as presented by FWP. Commissioner Stuker also move to adopt all other portions of the previous 2012-2013 black bear season regulations not affected by the Commission's actions today.***

Commissioner Stuker stated he has received calls regarding black bear, grizzly bear and mountain lion populations are getting to high along the front.

***Action on Motion: Motion Carried.***

**19. 2014-2015 Mountain Lion Hunting Seasons and HD Boundaries – Final Action**

George Pauley, Wildlife Management Section Chief explained for the 2014 and 2015 mountain lion season structure changes include a transition to male subquotas in Region 1 and a revised definition of fall/archery quota allocation. Proposed changes and changes from the original proposal are as follows:

**Statewide**

Archery/Fall Quota Allocation - By Commission rule, up to 20% of the lion quota in each lion hunting district, is allocated to the archery and fall seasons. That allocation is rounded down to the nearest lion. For example, if the quota in a district was 8 lions, 20% equates to 1.6 lions, and the archery fall quota would be 1 lion. FWP proposes altering that rule to round to the nearest lion. For example, if the quota in a district was 8 lions, 20% equates to 1.6 lions, and the archery fall quota would be 2 lions.

**Region 1**

Region 1 quota changes and subquota gender - The proposal is to reduce special license in 6 districts, while increasing licenses in 2 districts; total net change is a reduction of 33 lion licenses. The region proposes to regulate harvest with male rather than female subquotas. The following quota adjustments and male subquotas are proposed:

HD	Existing	Proposed Male	Proposed
	Quota	Sub Quota	Total Quota
100	30	12	24
101	17	5	12
102	17	5	12
103	12	7	12
104	12	7	12
109	12	4	8
110	10	4	8
120	8	4	11
121	37	11	22
122	14	6	14
123	6	3	7
124	5	2	5
130	14	5	14

**Regions 2-7**

No change

Commissioner Wolfe explained his intent is to exclude the six HD's from the current action and come back to discuss them. Received several comments that Region 1 consistently does not meet the quota; Region 1 issues more licenses than their harvest goal.

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the final 2014 and 2015 Mountain Lion Hunting Seasons and Hunting Districts as presented by FWP, with the exclusion of the Bitterroot Hunting Districts specifically 204/260/261, that are not part of the Missoula Special Management Area as well as HD 240/250/270. Commissioner Wolfe also moved to adopt all other portions of the previous 2012-2013 mountain lion season regulations not affected by the Commission's actions today.***

Chairman Vermillion asked for public comment.

***Action on Motion: Motion Carried.***

Commissioner Wolfe explained he has received a lot of individual comments through the tentative process; the suggestions received range from one extreme to another; tried to come up with something that may address some concerns in a way to better distribute the hunting pressure in the Bitterroot and still meet the management objective; discussed his ideas with several user groups who would have interest and invited them to attend the Commission meeting for public comment.

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the following proposal for the 2014 and 2015 Mountain Lion Hunting Seasons in the Bitterroot Hunting Districts 204/260/261 (not including Missoula Special Management Area), 240, 250 and 270; and to release these as "tentative" regulations for a 30-day public comment period, with final action to be taken at the April Commission meeting.***

***Issue twice as many special lion permits as the combined harvest quotas for the following six Hunting Districts—204/260/261 (not including Missoula Special Management Area), 240, 250 and 270.***

***Permits not restricted to a single district—but would allow a hunter to hunt in all six of the above listed Hunting Districts—until a specific Hunting District's quota is filled.***

***Retain the hybrid season structure and the February 1 opening date for the general part of the season.***

***Commissioner Stuker moved to amend and Commissioner Wolfe seconded the motion to adopt all other portions of the previous 2012-2013 mountain lion season regulations regarding these Hunting Districts not affected by the Commission's actions today.***

Commissioner Wolfe stated he thought this approach would offer several advantages over the current structure: Increase hunter opportunity during the permit-only season while retaining hunt quality; more even distribution of hunting pressure throughout the entire

season; permit holders not restricted to a single district, but could hunt all six districts until a district's harvest quota is met, which provides more hunter flexibility and opportunity; retention of the hybrid season opportunity for those not drawing a special permit.

Commissioner Wolfe, Pauley and Kujala had a lengthy discussion regarding the motion.

Chairman Vermillion commended Commissioner Wolfe on his efforts and time to come up with a thoughtful proposal; a lot of work.

Becky Dockter, Chief Legal Counsel explained public comment criteria; asked the Commissioners to evaluate the tentatives and if they gave much notice to the outfitter and public arena in order to provide public comment. Recommends the Commissioners work with the Department on any possible amendments prior to meetings; can be added to the agenda and open for public comment at that time.

Stephen Kenley, Valley County Fish and Wildlife (VCFW) supports Commissioner Wolfe's proposal.

MaryEllen Schnur, MOGA, appreciates and supports Commissioner Wolfe's proposal.

Tony Knuchel, Potomac, hybrid season is a joke; the permit and hybrid season has killed the lion hunting in the Blackfoot; prefers straight quota system with nonresidents limited to 10%.

Dan Peterson, Bitterroot Valley Houndsmen Association (BVHA) President, support more permits; should be 2½ times the quota; questions hybrid season; people take advantage of the 24-48 hour pending closure;

Les Towner, BVHA, hybrid season is frustrating for everyone; agrees with 2½ times the quota.

Cal Ruark, BVHA, if the permit system was given a chance to work, it would have worked; the system has been broke and not tried in an honest way; agrees with 2½ times the quota; doesn't appreciate the chase.

Ken Fransisco, BVHA, appreciates Commissioner's Wolfe's work; need an opportunity for a quality lion hunt.

Rod Bullis, Helena Hunters and Anglers (HHA), appreciates Commissioner's Wolfe's work with the citizens; overrun has to stop; look at an eight hour call in. Thanked Chairman Vermillion for eight years of leadership.

Robin Bolles, Florence, against hybrid season; too much chaos; prefers permits.

Nick Gevock, MWF, thanked Commissioner Wolfe for reaching out to all sides and for proposing a comprise; step in the right direction;

Steve Kamps, Lincoln, concerned that the proposal could spread to all of Region 2; if permits are doubled, there will not be a general season; if you draw a permit you should be able to use it; prefers quota system; people are going to be surprised by this proposal.

Chairman Vermillion stated he believes this has been properly noticed and not a significant change; he doesn't see an issue; general and hybrid season is intact; districts are being grouped together; supports motion.

Chairman Vermillion, McDonald and Pauley had a discussion on quotas and time closures.

Commissioner Stuker asked if there was no vote on this today, could it be brought back to the March meeting after a public comment period.

Dockter stated if it is announced to the public as an option, public comment could be collected and come back in March for a vote.

Pauley stated it works for wildlife and suggests allowing two months for public comment, finalizing in April with proposed quotas.

***Action on Motion and Amended Motion: Motion Carried.***

**20. 2014-2015 Bison Hunting Seasons and HD Boundaries – Final Action**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

Kujala stated the boundary definition is tied to the outcome of DOL's EA on year round tolerance.

Director Hagener asked what the harvest has been for this year.

Sam Sheppard, Region 3 Warden Captain stated between state and tribal hunts the harvest number is at 100.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt the final 2014 and 2015 Bison Hunting Seasons and Hunting Districts as presented by FWP. Commissioner Stuker also moved to adopt all other portions of the previous 2012-2013 bison season regulations not affected by the Commission's actions today.***

***Action on Motion: Motion Carried.***

**21. 2014-2015 Upland Game Bird Hunting Seasons, Quotas and HD Boundaries – Final Action**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting), with the exception of an add-on for Region 1:

**Allow fall turkeys to be taken in Region 1 with rifles and pistols. In 2013, those weapons were prohibited only in Region 1.**

Public comment ran through 5 p.m., January 24, 2014.

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**Action:** *Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission adopt the final 2014 and 2015 Upland Bird Hunting Seasons and Hunting Districts as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 upland bird season regulations not affected by the Commission's actions today.*

Chairman Vermillion asked for public comment.

**Commissioner Wolfe proposed and Commissioner Stuker seconded an amendment to the motion:** *add crossbows when rifles are allowed, to the wild turkey season means of taking.*

Pauley stated this is a Department oversight.

Commissioner Tourtlotte asked to clarify that crossbows would not be allowed during archery setting.

Pauley stated the proposal is to add crossbows as a legal weapon when rifles are allowed only.

**Action on Motion and Amended Motion:** *Motion Carried.*

Director Hagener stated there will be an opportunity in May to make adjustments on sage grouse if needed, depending on the outcome of the strategy plan.

## **22. 2014-2015 Migratory Game Bird Hunting Seasons – Final Action**

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

**Action:** *Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the final 2014 and 2015 Migratory Bird Hunting Regulations as proposed by FWP and pending compliance with federal frameworks. Commissioner Wolfe also moved to adopt all other portions of the previous 2012-2013 migratory bird season regulations not affected by the Commission's actions today.*

Chairman Vermillion stated he wants to make sure the north/south split in the central flyway is still on the agenda for the 2014 regulations.

Pauley stated it will be on the August agenda.



**Action on Motion: Motion Carried.**

### 23. 2014-2015 Game Damage/Management Season Quotas – Final Action

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged from the tentative proposal (see minutes from the December 12, 2013 Commission meeting); public comment ran through 5 p.m., January 24, 2014.

**Action: Commissioner Tourtlotte moved and Commissioner Vermillion seconded the motion that the Commission adopt the final 2014 and 2015 Game Damage and Management Season Quota authorizations as proposed by FWP. Motion Carried.**

### 24. 2014-2015 Hunting Season Dates – Final Action

George Pauley, Wildlife Management Section Chief stated the final proposal is unchanged, with the exception of a mountain lion opening date error that occurred in the tentative proposal (see minutes from December 12, 2013 Commission meeting).

2014		2015	
Mountain lion winter	<del>11/30</del> 12/1 – 4/14	Mountain lion winter	<del>11/30</del> 12/1 – 4/14

Public comment ran through 5 p.m., January 24, 2014.

**Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the final 2014 and 2015 Hunting Seasons Dates as proposed by FWP.**

Chairman Vermillion asked for public comment on the mountain lion opening date change only.

**Action on Motion: Motion Carried.**

### 25. Public Comment – For Issues Not On This Agenda

Nick Gevok, MWF stated the Western Hunting expo put on by the MDF is being held in Salt Lake City; a Montana statewide super deer tag and a mule deer hunt tag will be auctioned off to the highest bidder; does Montana want to associated with this?; how many years has FWP been associated with this.

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Chairman Vermillion stated when the Commission awards a tag to the Mule Deer Foundation, they are able to sell it in any way they would like; the Department does receive 90% of the profit.

Joe Perry, Conrad, expressed concerns over the Sage Grouse plan; feels the Department needs to have input; sportsmen look at what the Department says than the plan itself.

Chairman Vermillion stated suggestions to the specific plan changes would be well received.

**Action: *Commissioner Stuker moved and Commissioner Tourtlotte seconded to adjourn the meeting. Motion Carried.***

**The meeting adjourned at 3:52 p.m.**

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Dan Vermillion, Chairman

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M. Jeff Hagener, Director